

**Garner**  
TRUCKING, INC.

FEDERAL HIGHWAY  
ADMINISTRATION

QA-20616

96 JUL 29 A9:25

FHWA Docket No. MC-96-18  
Federal Highway Administration  
Office of the Chief Counsel  
HCC-10, Room 4232  
400 Seventh Street SW  
Washington, DC 20590

LEGS./REGS. DIV.

FHWA-97-2299-30

RE: Comments for the Safety Rating Proposal

Garner Trucking, Inc. is a small, family owned and operated carrier based in rural northwest Ohio. We have been in business for 36 years and pride ourselves on our excellent safety record and quality service. We operate clean, late model equipment (the oldest over the road tractor is a 1994). We feel our safety record is a direct result of a strict hiring standard, maintaining our equipment properly, and a low turn-over rate. We tribute the low turn-over rate to treating the drivers extremely well, paying them extremely well, and giving them excellent benefits and safe, efficient equipment to operate. We feel that our very active involvement in the Ohio Trucking Association, American Trucking Association & their affiliated councils have been an incredible source of information and have enhanced our safety program greatly. We would like to share a few thoughts with you as to the proposed regulations.

We feel carriers be "rewarded" for going the extra mile.

Carriers should be rewarded for going the extra mile by acknowledging what is being done correctly and in compliance instead of focusing only on errors or incorrect procedures. For example: Upon receiving a compliance review a carrier may receive a violation for an expired physical, 5 hours of service violations, and one random drug test not performed timely. The report should read:

1/95 physicals expired (meaning 1 out of 95)

5/150 hours of service violations (meaning 5 out of 150)

1/50 random drug tests done untimely (etc.) There is far

too much emphasis, especially on the first visit/review, on what is being done WRONG. We also feel that a carrier should be able to respond to the violations and given an opportunity to correct violations BEFORE a fine is imposed. A subsequent visit should show much improvement, and, if not, then FINE!

We feel FHWA should not be allowed to expand its investigative powers to third parties. (example: shippers)

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That would be like the fox watching the henhouse! More often than not, shippers are the culprit. They view it as "the carrier's problem" when it comes to hours of service. If one carrier turns down a load of freight because there are no drivers with available hours, they simply call another carrier (who is in the same boat--most carriers don't have trucks sitting in the parking lot with their motors running waiting for a load!!)

Regarding how complaints should be handled we feel complaints should be in writing complete with name, address, and phone number, along with the relationship to the carrier. The carrier should then receive a copy of the complaint and required to reply BEFORE a review is even ordered. If it is determined that the complaint is coming from anyone other than a disgruntled employee or former employee, then the validity of the complaint should be measured. If the complaint comes from an employee or former employee, then it should be given careful consideration. The carrier's response is critical at this point. If you have nothing to hide, then invite a review. Full-blown vs. a "mini-review" at this point? We feel if the review is initiated by a complaint, it should be a "mini-review". If it is initiated by a poor accident record than it should be a full blown review.

Regarding assessing penalties on logbook violations against drivers personally:

Drivers should receive penalties. Many drivers think that the carrier should pay the fines and shoulder 100% of the responsibility when in fact, drivers are completing logs and the carrier is at the driver's mercy should he choose to falsify the logbook. Many drivers simply do not take this issue seriously--which is a major concern to us.

Regarding educational programs to improve ratings: Education is critical to carriers AND drivers. Also, we've discovered that there are many common misconceptions amongst drivers, safety directors, log auditors, DOT officials both at road side AND internal inspections. We are all to be abiding by the same rules, however, many people are interpreting the rules to suit their needs. This is unacceptable. Also, any inspector who has an obvious hate or prejudice against the trucking industry should not be placed in

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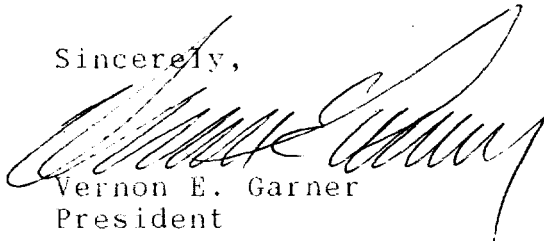
such a position. We feel the inspectors should be reviewed by the carrier as well.

Factors should be used to mitigate violations. How we feel this should happen is:

Again, the carrier should receive some "credit" for taking corrective actions. Those of us who maintain a high standard and turn away drivers with poor MVR's, poor driving records, etc. and also "weed out" drivers who obtain poor records while employed with us- those things are never acknowledged. The reason is that the review is set up to "catch the errors" instead of being a comprehensive review that reports the WHOLE picture! The assumption is that all carriers are deliberately in a state of non-compliance which is simply not true! The majority of us truly put safety first and foremost because it is the RIGHT thing to do. All most of us are looking for is the opportunity to operate our businesses as safely, efficiently, and as profitable as possible. We all know that if you do not have and maintain a positive safety record, you eventually lose customers and eventually business. Yes, there are those carriers and or individuals out there who cut corners and take unnecessary risks to make a profit--we ask that these people be either forced to comply or shut down. They make us all look bad.

These are some of our thoughts and we appreciate the opportunity to share them with you. If we can be of further assistance, please feel free to contact us.

Sincerely,



Vernon E. Garner  
President

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